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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 20, 2004, at 2 p.m.

Senate

THURSDAY, APRIL 8, 2004

The Senate met at 10:01 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. William Vanderbloemen, from Houston, TX.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Gracious God, we begin another day in this great country, and we seek You for help. We look for You to fulfill Your promises, for You have promised to be our guide. You promised that we will know Your voice, and that we will listen to it. So lead us to decisions that would make this Nation an even greater one. We pray for ears to hear that mighty voice, and the courage to follow the path to which it leads.

You promised to be our protector. You have said that You are a shield about us, the One who goes before us, and our rear guard. Guard us on every side and at every border. Be our protection. Watch over our troops in battle, our colleagues in the House, in the courts, our President, and the people of this great country. Defend them from every enemy, and grant the peace that only You can grant. At a word, You calmed the storms that raged on the sea. Use that same power, O God, to still the storms that rage throughout this world. May we be a beacon of that peace today.

Lord, You have promised to be our inspiration. You have said that You are like a morning dew that brings new life

to the buds of spring. On this spring day, rain down Your renewal on us. Stoke the flames of courage, vision, and life in us as leaders and in the hearts of our country men and women today. Be for us that higher power, that mystical calling, the Voice that moves us to become more than we currently are and more than we ever dreamed we could be.

When we think of the great task to which You have called us, all we can do is humbly ask for Your help. And we know that You will grant it because You are the God who keeps all of Your promises. Be who You have said You will be. Fulfill Your promises. Hear us in Your great Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 8, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ALLARD thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business for up to 60 minutes, with the first half under Republican control and the second half under Democratic control. Following morning business, at approximately 11 a.m., the Senate will begin consideration of the conference report to accompany H.R. 3108, the pension reform bill. Under an agreement reached last night, there will be up to 4 hours of debate on the conference report prior to a vote on its adoption. If all time is used, that vote will occur at approximately 3 p.m. today. The vote on the conference report will be the first vote of the day.

Following the disposition of the pension reform conference report, the Senate will resume consideration of the JOBS bill, the FSC/ETI bill. We have been working with the Democratic leadership to lock in a final list of amendments to the bill. We will be continuing that effort over the course of this morning.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I have related repeatedly on the floor of the Senate the importance of this bill, the importance of finishing this bill. I do hope Members on both sides of the aisle will show restraint as we put together a number of amendments to be considered on the FSC/ETI bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the second 30 minutes under the control of the Democratic leader or his designee.

Who seeks recognition?

The Senator from Kansas.

Mr. BROWNBAC. Mr. President, I believe I have time reserved under the majority leader's time to speak this morning in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. REID. If the Senator will withhold, Senator DASCHLE wishes to give a speech. He has said to go ahead.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Kansas is recognized.

Mr. BROWNBAC. Madam President, I thank the Senator from Nevada for the thoughts he put forward.

MARRIAGE

Mr. BROWNBAC. Madam President, what I wish to talk about this morning is the overall issue of marriage, and I will go through some charts, factual information, and some data. It is a current topic. It is one of great interest in the country. What I want to do is back up and say, Why is this institution even significant to us as a country? Why would a governing body be interested in marriage at all? Isn't this just simply a private matter?

What I want to do is go through, on a factual basis, and outline and make clear why marriage is so important to a government. At the end of the day, it comes back to raising children in a society to be productive, good, strong, healthy citizens, and the best setting to do that in is between two married biological parents, if at all possible, male and female. That is what all the statistical studies show. That is what the sociological studies show. I want to go through that because it lays the groundwork for why we are interested in marriage in a governmental body.

It turns out that if you have strong families, at the end of the day you are going to need less government infrastructure and support for them. If you

have a very weakened family structure, you are going to need a lot more governmental structure to surround that child to make up for the lack of two dedicated male-female biological parents.

This is not to say people cannot raise good children outside of that setting, because people do, and they struggle sometimes heroically to get it done, and they get it done. I want to recognize and honor them as well.

I want to talk about the macropicture as a broad society. As a society of millions of people, why are we interested in it? The reason is that, by and large, it produces stronger, more capable citizenry.

In the wake of all the recent debates about defending marriage from some of the new and unique challenges it faces and promoting marriage as an essential component in addressing some of our more intractable social problems in this country, I think it is important we come back to some fundamental questions: What is marriage? Why is it important to the health and continuance of our society? Why is the Government interested in marriage at all?

The answers to these fundamental questions are no longer so obvious or self-evident, as is apparent from the fact that many today question our civilization's traditional understandings of the institution of marriage, its purpose, its necessity for society, and its role in preventing social breakdown.

Before we can argue fruitfully about what marriage is not, we have to have a good understanding of what it is, why it is valuable, and why it must be defended as an essential bulwark of this great Nation of ours. The stronger the marriages we have between a man and woman in this country, bonded together for life, the stronger the country is going to be.

Marriage has been central to the understanding of family in Western culture from the beginning, and central to our historical concept of marriage has been the rearing of and orientation toward children. It is in this setting that children have the most likelihood of coming out successfully. This traditional understanding is a far cry from a postmodern deconstruction of marriage by a large number of sociologists and academics today, many of whom hold that the unique character of marriage is simply "public approval and recognition." In other words, marriage is whatever controlling public authority says it is, whatever current public opinion is.

Our civilization's historical understanding of marriage and the consequent recognition by the State of the unique nature of this one relationship reflect the fact that the public recognition of the institution of marriage is not primarily about the granting of rights and liberties but about the imposition of burdens.

Under the law, marriage limits rather than increases individual freedom. As family scholar Allan Carlson points

out, marriage laws commonly mandate the sharing of earnings and debts, compelling obligations of mutual support, and limit rights to terminate the relationship. These are all limitations on the two people involved.

Why is it that governments leave all other relationship between individuals free but continue to register and in a sense burden these heterosexual unions? The answer—and I will go through this in a number of charts and statistics—is children, beings at once highly vulnerable and essential for the future of every community. Strong and stable marriages receive public approbation because it is a source of citizens able to practice ordered liberty. So children are the key to the puzzle about the unique treatment of heterosexual unions and traditional marriage.

As author Maggie Gallagher has written:

Marriage is the place where having children is not only tolerated but welcomed and encouraged, because it gives children mothers and fathers.

That should seem very basic. This is not to say that marriage is not important to society for a host of other reasons as well. Traditional marriage is a boon to society in a variety of ways, and Government has a vital interest in encouraging and providing the conditions to maintain as many traditional marriages as possible.

Marriage has economic benefits, not only for the spouses but for the economy at large. Even in advanced industrial societies such as ours, economists tell us that the uncounted but real value of home activities, such as childcare, home carpentry, and food preparation, is still at least as large as that of the official economy. Not least of the reasons marriage is a positive social good is the fact that in the married state, adults of both sexes are vastly healthier, happier, safer, wealthier, and live longer.

Here is an instance where social science, viewed honestly, confirms what common wisdom has always told us: Traditional marriage between a man and a woman is a good thing. It is not only good for the spouses, it is absolutely vital for the children.

Now again, we know from study after study that the children of intact traditional marriages are also much healthier in body, spirit, and mind, more successful in school and life, and much less likely to use illegal drugs, abuse alcohol, or engage in crime. That is not to say people cannot raise healthy children in other settings. They can and they do, and they struggle mightily to get it done. This is the best setting.

As a result, though, one can always confidently conclude that traditional marriage is also a social good because it dramatically reduces the social costs associated with dysfunctional behavior. Supporting and strengthening marriage significantly diminishes public